GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants - PR & RD Dept. - Allegation of corruption against Sri Ramisetty Penchalaiah, Executive Engineer, PR, Machilipatnam (Retired on 30.11.2002) –Trapped on 14.3.2000 – Criminal case filed in CC.No. 01/2002 - Convicted - Penalty of withholding 100% pension imposed - Criminal Appeal No.1061/2007 filed - Allowed by Hon'ble High Court of AP on 21.02.2022 - SLP filed before the SC of India - Dismissed – Further action dropped by rescinding the withholding pension orders - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG-I) DEPARTMENT

G.O.Rt.No.789 **Dated:16.11.2023.**

Read the following:

1. G.O.Ms.No.165, PR & RD (VS.I) Deptt., dated:14.05.2001.
2. Judgment dated.31.07.2006 in C.C.No.1/2002 of the Special Judge for SPE & ACB Cases, Vijayawada.
3. Hon'bleHigh Court of AP.,orders Dt:23.08.2006 in Crl.Misc.P.No.1258 of 2006 in Crl. A. No.1061 of 2006.
4. G.O.Ms.No.389, PR & RD (Vig.II) Dept., Dated:12.11.2010.
5. From the DG, ACB, letter Rc. No. 30/RCT-VK1/2000-S9, dated: 08.07.2022.
6. Govt.Memo.No.PRR01-PRE/36/2022-VIG-I,dated:16.08.2022.
7. From the DG, ACB, letter Rc. No. 30/RCT-VK1/2000-S9,dated: 19.04.2023

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O R D E R:

Whereas, Sri R. Penchalaiah, Executive Engineer, while working as Executive Engineer, Panchayati Raj, Machilipatnam, Krishna District, was trapped by the Anti Corruption Bureau authorities on 14.3.2000 on the allegation of demand and acceptance of bribe from Smt. S. Krishna Kumari, Lingavaram Village, Gudiwada Mandal, Krishna District for doing an official favour of issuing cheque for the works executed under Employment Assurance Schemes. Accordingly, Government in the reference 1st read above, accorded sanction to prosecute Sri R. Penchalaiah, the then Executive Engineer, Panchayat Raj, Machilipatnam, Krishna District (now retired), for the offences punishable under section 7 and sub-section (2) of section 13 read with clause (d) of sub (1) of section of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and for any other cognate offences, punishable, under any other provisions of law, and for taking cognizance of the said offences by the court of competent jurisdiction. He was charge sheeted in a court of law. Sri R. Penchalaiah, retired from service on 30.11.2002 on attaining the age of superannuation.

2. And whereas, the Special Judge for SPE & ACB Cases, Vijayawada pronounced judgment on 31.07.2006 in CC No.1/2002, finding the Accused Officer Sri R. Penchalaiah, Executive Engineer (Retired) guilty for the offences under Section 7 and 13(1)(d) read with 13(2) of Prevention of Corruption Act 1988 and convicted under section 248 (2) Criminal Procedure Code, vide reference 2nd read above.

(P.T.O)

3. And whereas, the Hon'ble High Court of A.P., in its orders 3rd read above, suspended the sentence of imprisonment alone imposed by the trial court, as such conviction remains.

4. And whereas, in the reference 4th read above, the Government, have issued orders imposing the punishment of withholding of 100% cut in pension and entire gratuity permanently on Sri R. Penchalaiah, Former E.E (now retired) under Rule 9(1) read with Rule (8)(3) of the A.P. Revised Pension Rules, 1980 for the conduct which led to his conviction in C.C.No.1/2002, dated 31.7.2006.

5. And whereas, in the reference 5th read above, the Director General, Anti Corruption Bureau, Vijayawada has informed that Sri R. Penchalaiah, Executive Engineer, PR, Machilipatnam, Krishna District has filed Criminal Appeal No. 1061 of 2006 in the Hon'ble High Court of AP questioning his conviction and sentence awarded by the trial court. The Hon'ble High Court on 21.02.2022 pronounced the judgement by allowing the appeal preferred by the A.O and set aside his conviction and sentences awarded by the trial court in CC No.01 of 2002. The Bureau is of the opinion that, it is a fit case to file Special Leave Petition before the Hon'ble Supreme Court of India and requested the Government to accord permission to file Special Leave Petition before the Hon'ble Supreme Court of India against the orders of Hon'ble High Court in Crl. Appeal No. 1061 of 2006. In the reference 6th read above, the Government have permitted the Director General, ACB, Vijayawada to file SLP before the Hon'ble Supreme Court of India against the orders of the Hon'ble High Court of AP in Criminal Appeal No.1061 of 2006, dated:21.02.2022 in respect of Sri R. Penchalaiah, E.E., PR, Machilipatnam, Krishna District (Retd).

6. And whereas, in the reference 7th read above, the Director General, ACB, has informed that the SLP (Crl.) No. 158 of 2023 has been filed before the Hon'ble Supreme Court of India against the orders of Hon'ble High Court in Criminal Appeal No. 1061 of 2007, dt: 21.02.2022. The Hon'ble Supreme Court of India on 04.01.2023 after hearing has dismissed the SLP with a finding that there is no reason to interfere with the orders impugned in the petition. He has furnished copy of the orders of Hon'ble Supreme Court dt:04.01.2023 in SLP No.1589 of 2023 and the Director General, ACB, Vijayawada has requested the Government to drop further action in the matter.

7. Government after, careful examination of the matter, have decided to drop further action against Sri R. Penchalaiah, Executive Engineer, PR, Machilipatnam (now retired) in the Criminal Case of "Allegation of demand and acceptance of bribe from Smt. S. Krishna Kumari, Lingavaram Village, Gudiwada Mandal, Krishna District for doing official favour of issuing cheque for the works executed under Employment Assurance Schemes" as the Hon'ble Supreme Court of India dismissed the SLP No.158 of 2023 filed by the Government against the orders in the Criminal Appeal No.1061/2007 of Hon'ble H.C of AP., as in the above Criminal Appeal set aside the conviction judgment of ACB Court dated 31.07.2006 by Hon'ble H.C. of AP., by rescinding the orders issued in the reference 4th read above.

8. Accordingly, Government, hereby drop further action of Criminal Case against Sri R. Penchalaiah, Executive Engineer, PR, Machilipatnam (now retired) on the allegation of demand and acceptance of bribe.

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9. The Director General, Anti-Corruption Bureau, A.P, Vijayawada and the Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada are requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri R. Penchalaiah,
Executive Engineer (Retd), Panchayat Raj Department,
D.No.27-2-370, Main Road, Balaji Nagar,
Nellore - 524 002, SPSR Nellore District.
The Director General, Anti-Corruption Bureau, A.P, Vijayawada.
The Engineer- in- Chief, Panchayat Raj, AP, Vijayawada.
The individual through Engineer –in- Chief, Panchayat Raj, A.P, Vijayawada.

Copy to:

The Secretary to A.P. Vigilance Commission, Velagapudi.
The Accountant General, AP., Vijayawada.
SF/SC

//FORWARDED::BY::ORDER//

SECTION OFFICER